

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Appeal No. 14866 of the Residential Action Coalition, pursuant to 11 DCMR 3200.2 and 3105.1, from the decision of the Acting Director of the Department of Consumer and Regulatory Affairs made on June 26, 1987 to issue Certificate of Occupancy No. B-150273 for a 40-room inn in an R-5-C District at premises 1627 - 16th Street, N.W., (Square 193, Lot 148).

HEARING DATE: October 19, 1988

DECISION DATE: December 7, 1988

DISPOSITION: The Board DISMISSED the appeal by a vote of 3-0 (Charles R. Norris and William F. McIntosh to dismiss; Elliott Carroll to dismiss by proxy; Paula L. Jewell and Carrie L. Thornhill not voting, not having heard the case).

FINAL DATE OF ORDER: June 8, 1990

ORDER

The Board denied the appeal by its ORDER dated June 8, 1990. By letter received June 18, 1990, the Residential Action Coalition (appellants) submitted a request for reconsideration of the Board's Order in the appeal. At its Public Meeting of July 11, 1990, the Board deferred consideration of the request until its Public Meeting of September 5, 1990 to afford Board members Carrie L. Thornhill and Paula L. Jewell an opportunity to read the record and participate in the decision.

At its Public Meeting of September 5, 1990, the Board considered the request for reconsideration. The request was based on the belief of the Residential Action Coalition (RAC) that it proved its case in the appeal. The Board cited lack of jurisdiction as the basis for its dismissal of the appeal within a reasonable period of time after the members of the appellant organization had actual knowledge that the District of Columbia had issued a construction permit that reflected an inn use which the appellant organization believed to be prohibited by the Zoning Regulations. Lacking jurisdiction to decide the appeal on the merits, the Board did not address the substantive issues of the case in any manner.

Section 3332 of the Zoning Regulations governs requests for reconsideration. Section 3332.6 provides that "no such request shall be considered by the Board unless new evidence is submitted which would not reasonably have been presented at the hearing." The Board finds that the RAC has submitted no new evidence relevant to the issue of timeliness. Therefore, the basis for dismissing the appeal - failure to file in a timely manner must stand.


Based on the foregoing the Board concludes that it has made no error in deciding the appeal, nor is there a basis for reconsidering its decision. Accordingly it is ORDERED that the request for RECONSIDERATION is hereby DENIED.

DECISION DATE: September 5, 1990

VOTE: 4-0 (Carrie L. Thornhill, Paula L. Jewell, Charles R. Norris and William F. McIntosh to deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 26 1990

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14866order/BHS28

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APPEAL NO. 14866

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated OCT 26 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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A handwritten signature in dark ink, appearing to read "ELC", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: